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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,485	02/13/2004	John Archer	577-526 CON	8069

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EXAMINER

HARRIS, ANTON B

ART UNIT PAPER NUMBER

2831

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,485

Applicant(s)

ARCHER ET AL.

Examiner

Anton B Harris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments, see pages 2-4, filed 02 September 2004, with respect to the rejection(s) of claim(s) 1-9 and 11-19 under 35 U.S.C. 102 and claim 10 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Roesch et al. D462,664 S.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty (6,147,304) in view of Roesch et al.

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Regarding claim 1, Doherty (col. 2, lines 1-67) discloses a single gang electrical outlet box assembly comprising:

a generally rectangular electrical box 10 (see fig 1) having a first side wall 17 spaced apart from a second side wall 29 (see fig 1 ), said first 17 and second 29 side walls defining a first mounting axis therebetween generally parallel to said side walls 17, 29 and

a supporting structure 40 (see figs 1-2) extending from said first side wall 17, and a first mounting axis (fig 1 above reference line 23), a first (fig 1 above reference line 23) and second (fig 1 above reference line 23) mounting axes, but lacks a first and second mounting axes being substantially equidistant from a centerline of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall.

Roesch et al. (figure 1) teaches a first and second mounting axes (see figure to the farthest right) being substantially equidistant from a centerline of the first side wall (see figure 1), with the first mounting axis (see figure to the farthest right) being closer to the first side wall (see figure 1) than the second side wall (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Doherty by providing a first and second mounting axes being substantially equidistant from a centerline of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall in order to secure the box in various positions in view of the teachings of Roesch et al.

Regarding claim 2, Doherty (col. 2, lines 1-67) discloses said electrical box further comprises a back wall 19 extending between said first 17 and second 29 side walls (see fig 2).

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Regarding claims 3 and 13, Doherty (col. 2, lines 1-67) discloses an electrical box further comprises a top wall 15 and a bottom wall 16 connecting said first and second side walls. (see fig 1).

Regarding claim 4, Doherty (col. 2, lines 1-67) discloses access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 5, Doherty (col. 2, lines 1-67) discloses said top 15 and bottom 16 walls include mounting flanges on an exterior surface of said top 15 and bottom 16 walls (see fig 1).

Regarding claims 6 and 7, Doherty (col. 2, lines 1-67) discloses that said electrical fixture is selected from the group consisting of switches and receptacles (see column 2 lines 64-67, column 3 lines 1-5).

Regarding claim 8, Doherty (col. 2, lines 1-67) discloses that a supporting structure comprises an upper leg 50 (near ref number 15) spaced apart from a lower leg 50 (near ref number 16), said upper 50 (near ref number 15) and lower 50 (near ref number 16) legs connecting said first side wall 17 to a joining strut 52 extending between distal ends of said upper (near ref number 15) and lower (near ref number 16) legs.

Regarding claim 9, Doherty (col. 2, lines 1-67) discloses that upper (near ref number 15) and lower legs (near ref number 16) mounting elements located along said second mounting access (fig 1 above reference line 23).

Regarding claim 11, Doherty (col. 2, lines 1-67) discloses a multigang outlet comprising:  
a generally rectangular electrical box 10 (see fig 1) having a first side wall 17 spaced apart from a second side wall 29 (see fig 1), said electrical box 10 defining a first electrical fixture mounting axis adjacent said first side wall (see fig 1) and

a support structure 40 external of said first side wall (see figs 1-2), and a second electrical fixture mounting axis (figure 2 above ref line 24) adjacent said second side wall 29, each of said fixture mounting axes being generally parallel to said side walls 17, 29; a third mounting axis (fig 2 above ref line 44) generally parallel to said first side wall 17 (see fig 1), a first (fig 1 above reference line 23) and second (fig 1 above reference line 23) mounting axes, but lacks a first and second mounting axes being substantially equidistant from a centerline of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall.

Roesch et al. (figure 1) teaches a first and second mounting axes (see figure to the farthest right) being substantially equidistant from a centerline of the first side wall (see figure 1), with the first mounting axis (see figure to the farthest right) being closer to the first side wall (see figure 1) than the second side wall (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Doherty by providing a first and second mounting axes being substantially equidistant from a centerline of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall in order to secure the box in various positions in view of the teachings of Roesch et al.

Regarding claim 12, Doherty (col. 2, lines 1-67) discloses a back wall 19 extending between said first and second side walls (see fig 1).

Regarding claim 14, Doherty (col. 2, lines 1-67) discloses access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 15, Doherty (col. 2, lines 1-67) discloses mounting flanges on an exterior surface of said top 15 and bottom 16 walls (see fig 1).

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Regarding claims 16-17, Doherty (col. 2, lines 1-67) discloses that an electrical fixture is selected from the group consisting of switches and receptacles (col. 2 lines 64-67, col 3 lines 1-5).

Regarding claim 18, Doherty (col. 2, lines 1-67) discloses a generally rectangular housing 10 having a back wall 19, a perimetrical side wall 17 extending from said back wall 19 and an open front face defining a box interior,

said perimetrical wall including opposed top 15 and bottom 16 walls and opposed side walls (see fig 1)., each of said top 15 and bottom 16 walls including mounting members 23, 24 said mounting members being aligned along an axis generally parallel to said side walls (see fig 1), but lacks an axis being closer to one of the side walls than to the other side wall.

Roesch et al. (figure 1) teaches an axis (fig 1 above reference line 23) being closer to one of the side walls (see figure 1) than to the other side wall.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Doherty by providing an axis being closer to one of the side walls than to the other side wall in order to secure the box in various positions in view of the teachings of Roesch et al.

Regarding claim 19, a single gang electrical outlet box comprising:

an electrical outlet box having a box interior defined between a first sidewall 17 and a second side wall 29, and

a support structure 40 (see figs 1-2) extending from said first side wall,

said outlet box including electrical fixture mounting members 23, 24 being spaced apart along a first axis between and generally parallel to said first 17 and second 29 side walls; and

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said support structure including communication fixture mounting members being spaced apart along a second axis exterior and generally parallel to said first side wall, but lacks a first and second axes being generally equidistant from said first side wall; said first axis being non-centrally located between said first and second side walls.

Roesch et al. (figure 1) teaches a first and second axes (see figure to the farthest right) being generally equidistant from the first side wall (see figure 1); the first axis (see figure to the farthest right) being non-centrally located between said first (see figure 1) and second side walls (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Doherty by providing a first and second axes being generally equidistant from said first side wall; said first axis being non-centrally located between said first and second side walls in order to secure the box in various positions in view of the teachings of Roesch et al.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty modified as taught by Roesch et al. as applied to claim 1 above, and further in view of Hansson (5,568,362).

Regarding claim 10, Doherty modified by Roesch et al. discloses the invention substantially as claimed, but lacks a first side wall further comprising cable holding flanges.

Hansson teaches a cable 18 holding flange 23.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the modified device of Doherty by providing a cable holding flange in order to secure cables within the box in view of the teachings of Hansson.



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***Response to Arguments***

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

11/29/04

  
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11/29/04